

FISCAL NOTE

SB 1302 - HB 1975

March 12, 2003

SUMMARY OF BILL: Increases the driver license suspension periods for driving under the influence as follows:

- for a first offense from 1 year to 2 years.
- for a second offense from 2 years to 42 months.
- for a third offense from 3 years to not less than 54 months nor more than 10 years.
- for a fourth or subsequent offense from 5 years to 7 years.

Specifies the period of imprisonment on a fourth or subsequent offense of driving under the influence as within the appropriate range of punishment for a Class E felony rather than not less than 150 days nor more than the maximum penalty for a Class E felony (six years) as under current law.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures - \$400,000/Incarceration

Other Fiscal Impact - Changing driver license suspension periods will result in a delay in payment of reinstatement fees. Fees exceeding \$1,000,000 that would have been paid in FY 04-05 would not be collected until FY 05-06, fees exceeding \$100,000 that would have been collected in FY 05-06 would not be collected until FY 07-08 and fees of less than \$50,000 that would have been collected in FY 06-07 would not be collected until FY 08-09.

Estimate assumes:

- the sentence for a fourth offense DUI would be reduced from a mandatory 150 days to the mandatory minimum for Range 1 (30% of one year) or 110 days.
- approximately 550 DUI offenses annually are the fourth or subsequent offense and approximately 50% of these are a fourth offense.
- decrease in state expenditures for incarceration from 275 offenders serving 40 fewer days at \$45.37 per day. This decrease is estimated to exceed \$400,000.
- the sentence of individuals committing their fifth or subsequent DUI offense would not be affected by the provisions of the bill.
- driver license reinstatement fee of \$150 for DUI suspensions.

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- approximately 6,800 drivers with a first offense DUI conviction would reinstate within a year after their eligibility date.
- approximately 900 drivers with a second offense DUI conviction would reinstate within a year after their eligibility date.
- approximately 200 drivers with a third offense DUI conviction would reinstate within a year after their eligibility date.
- no drivers with a fourth or subsequent DUI conviction would reinstate within a year after their eligibility date.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director